

**WATER DISTRICT 130 ANNUAL MEETING
ADOPTED RESOLUTIONS**

THE WATER USERS OF WATER DISTRICT 130 MEETING AT THE ANNUAL DISTRICT MEETING ON FEBRUARY 11, 2003 AT THE JEROME HIGH SCHOOL AUDITORIUM IN JEROME, IDAHO, HEREBY ADOPT THE FOLLOWING RESOLUTIONS:

1. That the watermaster perform the duties as required by Chapter 6, Title 42, Idaho Code and in accordance with:
 - 1) The duties described in the Final Order Creating Water District 130, signed by the Director of the Idaho Department of Water Resources (IDWR), February 19, 2002, including:
 - a) Curtail illegal diversions;
 - b) Measure and report the diversions under water rights;
 - c) Enforce the provisions of the stipulated agreements approved by the Director, and;
 - d) Curtail out-of-priority diversions determined by the director to be causing injury to senior priority water rights if not covered by a stipulated agreement or a mitigation plan approved by the Director.
 - 2) Direction and guidance provided by the Director of IDWR.
 - 3) The annual water district resolutions as adopted herein.
2. The Idaho Department of Water Resources be elected to provide the watermaster services for Water District 130 and that the Director of IDWR appoint Cynthia Yenter, an employee of IDWR, or other employees of IDWR as may be necessary, to serve as the watermaster for the ensuing year.
3. As provided in Idaho Code § 42-608(4), the watermaster shall begin service on this date and continue until the next annual meeting when a successor is elected or appointed.
4. The water users of Water District 130 hereby empower elected or appointed officials of sub-districts created herein to enter into a Memorandum of Understanding between the Water District and the Director of IDWR that will provide for the following:
 - a) Compensation of the watermaster and all related water district expenses for 2003 shall be provided by IDWR if the district elects IDWR to provide the watermaster services and allow the Director of IDWR to appoint an employee of IDWR as watermaster.
 - b) If IDWR is re-elected to provide watermaster services for 2003, the watermaster shall maintain an office for the ensuing year within the IDWR Southern Regional Office, located in Twin Falls, Idaho. IDWR will provide office space, vehicles and the use of all necessary office and field equipment, and other necessary watermaster expenses. This arrangement shall not give Water District 130 any ownership interest in any IDWR office space and equipment.

- c) IDWR's commitment is limited to providing one (1) full-time employee (FTE) for watermaster duties over the ensuing year, but the sub-districts created herein are expected to fund, at their own expense during 2003, personnel and equipment necessary for measurement and reporting of diversions within the sub-districts, using methods acceptable to the Director of IDWR and consistent with the requirements of Idaho Code § 42-701 and 42-708.
 - d) Water District 130 must assume full responsibility for all expenses of the district incurred following the 2004 water district annual meeting.
- 5. Diversions in Water District 130 that are not already measured by one of the sub-districts created herein shall be measured directly by the water district in the ensuing year but may be assessed for measuring and reporting through the Eastern Snake Plain Aquifer (ESPA) West Water Measurement District since the latter district still exists for purposes of measuring and reporting diversions within other areas of the ESPA that are not yet included in Water District 130. Alternatively, users with diversions in Water District 130 not already measured by one of the sub-districts may form their own sub-district for purposes of measuring and reporting diversions to the water district watermaster so long as the sub-district submits a plan showing that diversions can sufficiently be measured and recorded using methods acceptable to the Director of IDWR and consistent with the requirements of Idaho Code § 42-701 and 42-708.
- 6. An advisory committee shall be elected to provide input to the watermaster and the Director of IDWR. The number and composition of the advisory committee for the ensuing year shall total 10 seats as follows:
 - 1 member of the North Snake Ground Water District;
 - 1 member of the Magic Valley Ground Water District;
 - 1 member of A&B Irrigation District;
 - 1 Basin 37 ground water irrigator not a member of a ground water district;
 - 2 ground water users holding commercial, industrial or municipal water rights;
 - 4 spring water users.

Additional seats may be added to the committee in subsequent years depending on further revisions or expansions of the water district boundaries, to be determined annually. Each group represented will also select an alternate for each seat. Candidates will be voted on at caucus during the annual meeting.

The advisory committee will meet as often as needed to address the structure, governance and operation of the district. Decisions or recommendations of the advisory committee must be made with at least 70% of advisory members present in favor.

7. Water District 130 includes one or more ground water districts, irrigation districts or other geographical areas where the source of water or nature of water use is common among water right owners and users. Since ground water districts and irrigation districts may already be measuring and reporting diversions on their own, and in order to promote efficiency in the administration of water rights and water management, the Director of IDWR, working with the members of the water district through an advisory or steering committee, may provide for sub-districts as he finds appropriate. The director therefore recognizes and provides the following sub-districts:

- North Snake Ground Water District
- Magic Valley Ground Water District
- A&B Irrigation District
- Thousand Springs Area
- Basin 37 Area or ESPA West Measurement District (see resolution no. 5 above)

8. The sub-districts designated above may have employees or agents who measure and report diversions to IDWR, and who may provide other services to the sub-district. The Director of IDWR therefore may appoint employees or agents of the sub-districts as assistant watermasters for purposes of measuring and reporting water use to the watermaster of Water District 130. The water district watermaster and the Director of IDWR will provide direction and guidance to assistant watermasters for measuring and reporting of diversions in sub-districts, including but not limited to the following:

- a) Each sub-district shall prepare an annual report of diversion data to the water district watermaster in accordance with Idaho Code § 42-606, § 42-708, § 42-709, and the direction provided by the Director of IDWR.
- b) Assistant watermasters from sub-districts shall cooperate and coordinate with the water district watermaster and IDWR in sharing water use information and in the investigation of water uses within sub-districts, including but not limited to investigation of water use to confirm reductions of water use when required, and confirm and report compliance of water use with valid water rights.
- c) The regulation of diversions, including curtailment of diversions and other water right enforcement actions, shall be the primary responsibility of the water district watermaster or IDWR.
- d) Sub-districts and sub-district assistant watermasters may cooperate and participate with the water district and IDWR in resolution of unauthorized diversions or other enforcement matters.
- e) To the extent that sub-district assistant watermasters may otherwise be involved in the regulation or enforcement of diversions, such involvement will be under the instruction of the watermaster or the Director of IDWR.

9. The watermaster, working with the water district advisory committee, shall apply the following guidelines for preparation of the proposed 2004 budget that shall be filed with IDWR prior to the 2004 annual meeting of the water users of Water District No. 130 in accordance with Idaho Code § 42-615.
 - a) Said proposed budget shall show the proposed expenses for the 2004 water district operation year. The proposed budget shall provide for continuation of the expenses incurred by IDWR for providing watermaster services to Water District 130 during 2003, with appropriate increases for inflation.
 - b) Said proposed budget shall include a distribution of the amount of said budget to the consumptive water users using the actual deliveries of water or water use for the past irrigation seasons, or past calendar years if the consumptive use is for non-irrigation purposes, that are available to the watermaster pursuant to IDWR water measurement and reporting requirements.
 - c) In preparing said budget, the watermaster shall show those diversions and water rights within the district that are non-consumptive as defined in Idaho Code § 42-605A(1).
 - d) In preparing the budget, the watermaster shall determine an assessment for the ensuing year for individual water rights that are used for non-consumptive purposes. The assessment shall be sufficient to pay the additional costs and expenses for watermaster services for data collection, water measurement and reporting, delivery of water and record keeping directly attributable to delivery of the water right. Costs and expenses related to data collection and water measurement and reporting need not be included in the assessments of non-consumptive water rights if a sub-district provides such services.
 - e) It is of benefit to certain sub-districts and hence numerous water users in the district to have the 2004 proposed budget filed with IDWR at a date sufficiently in advance of the 2004 annual water district meeting so that the sub-districts can adequately plan for budgeting and collection of the 2004 water district expenses. The watermaster therefore shall file the 2004 proposed budget with the Department by June 1, 2003.
 - f) The watermaster shall prepare assessments for the 2004 budget after the water users present at the 2004 annual meeting have formally adopted the budget. The steering committee recommends that the 2004 assessments be due to Water District 130 on or before April 1, 2004 so that there will be sufficient funds early enough in the year to accommodate the expenses of the water district.
10. The annual Water District 130 meeting shall hereafter be held on the second Tuesday of February, of each year unless the Director of IDWR should find it necessary to change the meeting date or unless changed by resolution of the district at any annual meeting.

11. Copies of the minutes of the annual meeting, the budget, if any, as approved, all resolutions approved, and any report prepared in accordance with Idaho Code § 42-615, shall be filed with the director of the Department of Water Resources in accordance with Idaho Code § 42-617.
12. The watermaster of Water District 130 shall be responsible for submitting to IDWR annual reports showing water use and such other information that may be deemed necessary by the Director of IDWR in accordance with Idaho Code § 42-606, § 42-708, and § 42-709.
13. The watermaster and assistant watermasters are authorized as employees of IDWR under Idaho Code § 42-1701(5) to make reasonable entry on lands within the district, in accordance with IDWR policy, to carry out the duties of the watermaster as instructed by IDWR. These duties include but are not limited to:
 - a) Monitoring diversion and measuring rate and volume of water diverted from ground water and other public water sources.
 - b) Measuring the depth to water in wells.
 - c) Monitoring the place, period, and nature of use of water to identify unauthorized diversion and use and to determine compliance with mitigation provisions required by agreement or order of IDWR.
14. The advisory committee shall make available a copy of any resolutions proposed to it or by it, at least 30 days prior to the annual meeting by posting the copy on IDWR's website. Any proposed changes to the resolutions made prior to the annual meeting will be highlighted. This shall not preclude any member from proposing any new resolution or proposing changes to resolutions at the annual meeting.
15. The members of Water District 130 are in support of legislation as petitioned by the North Snake Ground Water District regarding the limitation in scope of the local public interest. A copy of a letter to Senator Laird Noh and Representative John Stevenson is attached.

February 10, 2003

Hon. Laird Noh
Idaho Senate
State Capitol Building
P.O. Box 83720
Boise, ID 83720-0081

Hon. John A. (Bert) Stevenson
Idaho House of Representatives
State Capitol Building
P.O. Box 83720
Boise, ID 83720-0038

Dear Senator Noh and Representative Stevenson:

The undersigned representatives of the North Snake Ground Water District and other community interests write to express our alarm over the misuse of the "local public interest" review in water rights matters. We urge you to support legislation that will limit its scope to the protection and optimum utilization of the public's water resources.

Unfortunately, the local public interest review is now being used to force applicants for water rights to engage in costly and time-consuming battles over issues having nothing to do with the management of our rivers and aquifers. The Department of Water Resources was never intended to be a debating forum on social policy, environmental, and zoning issues more appropriately addressed by other state and local entities. The Department's resources are already strained to the breaking point just doing its real job.

The resulting delays are crippling efforts to revive our struggling local economy. Moreover, the costs of these hearings are driving many of our good, local business people to the brink of collapse. We call upon you to act now to eliminate this abuse of the local public interest review. Thank you.

Sincerely,

cc: Karl Dreher
Clive Strong
Jim Yost